

Application No. 09/124,512

REMARKS

Claims 1-20 are pending in the application. Dependent claims 3-4 and independent claims 17, 19 and 20 have been canceled. Independent claims 1, 16 and 18 have been amended to more clearly distinguish over the prior art cited by Examiner. Dependent claims 11 and 14 have been amended to clarify these claims. Support for all of these amendments can be found at pages 3-6, and at pages 10-12 of the specification, as well as in the description associated with Figs. 3-13 for example. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2 5-6 and 11-16, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Dubin, "High Performance Computing Workshop - Integrating Modeling and Simulation into the US Army Operational Test and Evaluation Process." ("Dubin") in view of Uchihira (U.S. Patent No. 6,067,415) ("Uchihira"). Applicant respectfully traverses this rejection. However, in order to further the prosecution of this Application, Applicant has amended claims 1, 6, 13, 16 and 18 to recite further details regarding, *inter alia*, the various modes of operation of the present invention.

It is respectfully submitted that there is no teaching, suggestion or incentive supporting the combination of references with respect to the independent claims as amended. Dubin expressly states that it is a "report [that] documents a Proof of Principle (PoP) and a refined conceptual approach to the *optimizing integration methodology*." (Page 1, paragraph 3) (Emphasis supplied). As admitted by Dubin, the model disclosed by Dubin is not suitable for real-world application particularly because it does not include a time dimension so it cannot

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evaluate or simulate sequences of events (See for example, section IV "Lessons Learned" where Dubin notes, "Several extensions are possible and necessary to make the model suitable for real-world application. Most important is extension over time or sequences of events," and section V "Conclusions" stating, "Other work will continue to enhance the decision model to include a time dimension and other features.").

The art relevant to the claimed invention is evaluation and simulation in regard to a weapon system. Uchihira discloses a system for assisting a programmer find errors in concurrent programs. The Uchihira reference is not within the field of Applicant's endeavor, and is not reasonably pertinent to the particular problem with which the inventor was concerned - it is non-analogous prior art. It is respectfully submitted that a *prima facie* case has not been established that a person of ordinary skill, seeking to arrive at the claimed invention, would reasonably be expected or motivated to look to a system for assisting a programmer find errors in concurrent programs. Moreover, there is no teaching, suggestion of motivation identified in the Office Action as to why a system for assisting a programmer to find errors in concurrent programs should be combined with a reference (Dubin) that clearly lacks a time dimension as claimed in the various independent claims of the present invention.

Uchihira discloses a programming support system. Uchihira is concerned only with process steps of a program and the optimal execution of the process steps in a computer system - not optimality of a real world weapon system. Therefore, coding the same physical sequence of events in two different ways so that the resultant programs have different execution pathways or process pathways in a given computer system will likely lead Uchihira to arrive at different "execution controllable sections" (Column 7, line 16). However, because a particular physical

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sequence of events embodies the same causality - i.e., cause and effect relationships between the events, the resulting "causal network" will always end up being the same regardless of the programming method or the manner or sequence in which the instructions of the program embodying the physical sequence of events is executed. Thus, Uchihira does not disclose a "causal network" of the claimed invention. Furthermore, nothing in Uchihira teaches, suggests or motivates the construction of an evaluation and simulation system having a dynamic parameter to model sequences of events in a physical system such as the weapon system of the claimed invention.

Combining Dubin with Uchihira will not cure the lack of "at least one dynamic parameter" in Dubin. In the absence of a teaching of all of the elements of the claimed invention(s), singly or in combination, in the references cited, and without some reason *given in the prior art* why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention, the claimed invention taken as a whole cannot be said to be obvious. In particular, there is no reasonable intrinsic or extrinsic justification for the proposed combination or modification, and therefore *prima facie* obviousness has not been established.

Claims 7, 8 and 9-10 have also been rejected as being unpatentable over Dubin in view of Uchihira and further in view of other Allred, Nakajima, Carico and Cario, respectively. Because claims 7-10 depend directly or indirectly from amended claim 1, they should be patentable at least for the same reasons advanced for claim 1.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Brad Pedersen  
Registration No. 32,432

Customer No. 24113  
Patterson, Thuent, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5774